

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KING & BALLOW

v.

MICHAEL S. THOMPSON

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No. 3-08-1024

ORDER

As housekeeping matters, the plaintiff's motion for leave to file a reply (Docket Entry No. 72) and the plaintiff's motion to ascertain status (Docket Entry No. 76) are GRANTED.

The Clerk is directed to file and docket the plaintiff's reply (Docket Entry No. 72-1).

In accordance with the contemporaneously entered memorandum, the plaintiff's motion to have the defendant held in civil contempt (Docket Entry No. 69) is DENIED, with leave to renew as addressed in the contemporaneously entered memorandum, contingent upon the following conditions:

1. Within three (3) calendar days of entry of this order, the defendant shall provide plaintiff's counsel with the name of the contact person in the law firm of Barley, Snyder with whom plaintiff's counsel and/or his copying service can communicate or confirm that the contact person is George C. Werner.

2. The plaintiff shall not be required to pay a copy fee of \$1.00 per page or any per page charge.

3. Instead, the defendant shall permit the plaintiff to utilize Capitol Copy Service or any other copying service of the plaintiff's choice to retrieve the documents at issue from the Barney Snyder law firm, make copies of all of those documents, and return the originals to the Barley Snyder law firm.

4. The defendant's production shall include responsive documents to all of the plaintiff's requests for production of documents. See Exhibit A to the plaintiff's motion to compel (Docket Entry No. 57-1).

5. Unless the plaintiff is unable to make arrangements for a copying service to retrieve the documents on January 27, 2012, or January 31, 2012, at 10:00 a.m., the plaintiff shall notify the defendant, as soon as possible, which date the plaintiff selects. If the plaintiff is unable to make arrangements for either of those two days, plaintiff's counsel shall immediately so notify the defendant and the Court.

The defendant is warned that his failure to comply with this order and to have the documents available for the plaintiff's copying service to retrieve and copy on the date selected will, upon any renewed motion by the plaintiff, subject the defendant to further sanctions and the scheduling of a show cause hearing to address why he should not be held in contempt of Court, and, if the defendant were held in contempt of Court, he could be subject to incarceration until he purges himself of contempt and/or civil penalties in the form of daily monetary assessments until the documents are produced. See order entered February 14, 2011 (Docket Entry No. 65), at 4.¹

The Clerk is directed to mail a copy of this order to the defendant by regular, first class mail and by certified mail AND to email a copy of this order to the defendant at 13mstt@gmail.com.²

The Clerk is further directed to send a copy of this order to George C. Werner, Jr., Barley Snyder LLC, 126 East King Street, Lancaster, PA 17602, by regular, first class mail (only) and to send him a copy of this order by email at gwerner@barley.com.

Any party desiring to appeal any order of the Magistrate Judge may do so by filing a motion for review no later than fourteen (14) days from the date of service of the order. The motion for

¹ The defendant is further warned that, if a show cause hearing is scheduled in the future, his failure to appear as ordered could result in the issuance of an arrest warrant.

² The Court would not normally direct the Clerk to provide a copy of any order by email. However, because of the impending dates for inspection provided by the defendant and the defendant's concerns about not receiving orders, the Court has made an exception in this instance.

review must be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for the appeal. See Rule 72.02(b)(1) of the Local Rules of Court and Rule 72(a) of the Federal Rules of Civil Procedure.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge